

Notice of Allowability

Application No.

09/851,164

Examiner

James A. Thompson

Applicant(s)

KONDO, HIROKAZU

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 14 August 2007.
2. ☒ The allowed claim(s) is/are 1-12, 18-44, 49 and 52.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/210,392.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see particularly page 14, lines 11-23 and page 15, lines 15-22, filed 14 August 2007, with respect to the rejections of the claims under 35 U.S.C. § 103(a) have been fully considered and are persuasive. The rejections of the claims under 35 U.S.C. § 103(a) have been withdrawn.

Examiner agrees with Applicant that Bestmann (USPN 5,481,380) does not teach producing a proof in the manner claimed in claim 1, nor does Bestmann take into account the difference between the color of the desired print medium and the color of the standard print medium. Yeoman (USPN 4,866,514) was relied upon to teach the above disputed limitations, nor does Yeoman teach said limitations. Thus, claim 1 distinguishes over the combination of Bestmann and Yeoman. Independent claims 2, 7 and 8 also distinguish over the combination of Bestmann and Yeoman for the same reasons since claims 2, 7 and 8 each recited the disputed limitations.

Examiner further agrees with Applicant that Tse (USPN 5,477,345) does not properly read upon the limitations recited in claim 18 that are disputed by Applicant. The ratio of colorimetric values shown in Tse would be more properly described as a normalization function, and is not the ratio of first colorimetric data values and the second colorimetric data values. Thus, independent claim 18 distinguishes over the combination of Bestmann and Tse. Independent claims 21 and 24 also distinguish over the combination of Bestmann and Tse for the same reasons since claims 21 and 24 each recite the disputed limitations.

Allowable Subject Matter

2. **Claims 1-12, 18-44, 49 and 52 are allowed.**

The following is an examiner's statement of reasons for allowance:

Firstly, independent claims 1, 2, 7, 8, 18, 21 and 24 distinguish over the prior art references cited in the previous office action, mailed 22 May 2007, for the reasons set forth above.

Independent claims 1, 2, 7 and 8 recite either a method or an apparatus that corrects the color of a print medium. Device-dependent color image data is converted to first colorimetric data, wherein the first colorimetric data is device-independent. The first colorimetric data is then converted to a second colorimetric data using a set of one-dimensional lookup tables. The second colorimetric data is also

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device-independent. The conversion between the first and second colorimetric data is performed so as to correct the difference between the color of a desired print medium and the color of a standard print medium. The second colorimetric data is then converted to device-dependent color image data that is used to generate a proof on the desired print medium. Thus, the color image printed on the standard print medium is the same as the color image printed on the desired print medium.

Examiner has not found this particular arrangement/method in the prior art. The closest prior art discovered is Noguchi (USPN 5,734,801) which at least lacks the intermediate conversion to device-independent color spaces, and the feature of correcting color image data so that the same colors are rendered on different print media. The conversion to device-independent color spaces is an essential feature since such as conversion allows for the correction of color image data in a color space that is based on human visual perception, rather than the limitations of a particular printing device, and allows for simpler computational adjustments of the color values. The color correction for different print media allows for greater flexibility in printing and more consistent results.

Similar art exists, such as Teraue (USPN 6,943,915 B1), which calibrates color values so that consistent result are obtained when a color image is printed on different print media. Teraue also teaches the initial conversion of the device-dependent color data to device-independent color data ($L^*a^*b^*$ color space) before the calibration of the color image data. However, the priority date of Teraue is not old enough for it to be considered prior art.

Thus, independent claims 1, 2, 7 and 8 are allowable over the prior art. Claims 3-6, 9-12, 29-44, and 52 are allowable at least due to their respective dependencies from the independent claims.

Independent claims 18, 21 and 24 each recite a method or apparatus similar to the methods and apparatuses recited in independent claims 1, 2, 7 and 8. Thus, claims 18, 21 and 24 are allowable at least due to reasons similar to those given above for claims 1, 2, 7 and 8. Claims 19, 20, 22, 23, 25-28, and 49 are allowable at least due to their respective dependencies from the independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James A. Thompson
Examiner
Technology Division 2625

JAT
05 November 2007



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